

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOSHUA W. HUBBARD,

Plaintiff,

VS.

COMMISSIONER of SOCIAL
SECURITY,

Defendant.

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Civil No. 19-cv-952-MAB

MEMORANDUM AND ORDER

BEATTY, Magistrate Judge:

Before the Court is the parties' Agreed Motion to Remand to the Commissioner.¹
(Doc. 33).

The parties ask that this case be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of Plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-303 (1993).

The parties agree that, upon remand, “The ALJ will: (1) further evaluate the medical evidence; (2) reassess Plaintiff’s residual functional capacity; (3) if necessary,

¹ This case was assigned to the undersigned for final disposition upon consent of the parties pursuant to 28 U.S.C. §636(c). See, Docs. 11, 22.

obtain supplemental evidence from a vocational expert; and (4) issue a new decision.”
(Doc. 33, p. 1).

For good cause shown, the parties’ Agreed Motion to Remand to the Commissioner (Doc. 33) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Plaintiff’s application for social security disability benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

DATED: September 25, 2020

/s/ Mark A. Beatty
MARK A. BEATTY
United States Magistrate Judge